

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 307 be amended to read as follows:

- 1 Page 3, between lines 28 and 29, begin a new paragraph and
- 2 insert:
- 3 "SECTION 5. IC 6-9-35 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2005]:
- 6 **Chapter 35. Special Retail District Incremental Gross Retail**
- 7 **Tax**
- 8 **Sec. 1. Except as otherwise provided in this chapter, the**
- 9 **definitions in IC 6-2.5-1 apply throughout this chapter.**
- 10 **Sec. 2. As used in this chapter, "fiscal body" has the meaning**
- 11 **set forth in IC 36-1-2-6.**
- 12 **Sec. 3. As used in this chapter, "fiscal officer" has the meaning**
- 13 **set forth in IC 36-1-2-7.**
- 14 **Sec. 4. As used in this chapter, "gross retail income" has the**
- 15 **meaning set forth in IC 6-2.5-1-5, except that the term does not**
- 16 **include taxes imposed under IC 6-2.5 or IC 6-9.**
- 17 **Sec. 5. (a) Subject to subsections (b) and (c), the fiscal body of**
- 18 **a county containing a consolidated city may adopt an ordinance**
- 19 **designating an area in the county as a special retail district.**
- 20 **(b) A special retail district designated under subsection (a)**
- 21 **must meet the following requirements:**
- 22 **(1) The district may not exceed four hundred (400) acres.**
- 23 **(2) The district must be established for the purpose of**
- 24 **undertaking a project, or a series of projects, that involve a**
- 25 **total capital commitment in excess of one hundred**

1           twenty-five million dollars (\$125,000,000).

2           (3) The fiscal body must make a finding that:

3               (A) the total capital investment for the project, or series  
4               of projects, will be in excess of five hundred million  
5               dollars (\$500,000,000) at the completion of the project,  
6               or series of projects; and

7               (B) the project would not otherwise be accomplished  
8               through the ordinary operations of private investment  
9               because of the unique quality and scope of the project or  
10              series of projects.

11           (c) The fiscal body may adopt an ordinance under subsection  
12           (a) only after January 1 but before April 1 of a year.

13           (d) If the fiscal body adopts an ordinance under subsection (a),  
14           it shall immediately send a certified copy of the ordinance to the  
15           commissioner of the department of state revenue.

16           Sec. 6. (a) If the fiscal body of a county containing a  
17           consolidated city adopts an ordinance designating a special retail  
18           district under section 5 of this chapter, a one percent (1%)  
19           incremental gross retail tax is imposed on the transactions  
20           described in section 7 of this chapter that occur within the district.

21           (b) The incremental gross retail tax imposed by subsection (a):

22               (1) takes effect July 1 following the adoption of the ordinance  
23               under section 5 of this chapter; and

24               (2) is in addition to any other tax imposed on the transactions  
25               described in section 7 of this chapter.

26           Sec. 7. (a) Except as provided in subsection (b), the  
27           incremental gross retail tax imposed by section 6 of this chapter  
28           applies to all retail transactions that occur within the special retail  
29           district designated under section 5 of this chapter.

30           (b) The incremental gross retail tax does not apply to a  
31           transaction to the extent that the transaction is exempt from the  
32           state gross retail tax under IC 6-2.5.

33           Sec. 8. (a) The incremental gross retail tax imposed by section  
34           6 of this chapter is imposed only on the gross retail income derived  
35           from retail transactions.

36           (b) A person who receives goods or services in a retail  
37           transaction that is taxed under this chapter is liable for the  
38           incremental gross retail tax. The person shall pay the tax to the  
39           retail merchant as a separate amount added to the consideration  
40           for the goods or services. The retail merchant shall collect the tax  
41           as an agent for the state and the county.

42           (c) Except as otherwise provided in this chapter, the  
43           incremental gross retail tax shall be imposed, paid, and collected in  
44           the same manner in which the state gross retail tax is imposed,  
45           paid, and collected under IC 6-2.5. However, the return to be filed  
46           for the payment of the tax may be either a separate return or may  
47           be combined with the return filed for the payment of the state gross  
48           retail tax, as prescribed by the department of state revenue.

49           Sec. 9. (a) The amounts received from the incremental gross  
50           retail tax shall be paid monthly by the treasurer of the state to the  
51           fiscal officer of the county containing a consolidated city upon

1 warrants issued by the auditor of state.

2 (b) The amounts received by the county fiscal officer under  
3 subsection (a) shall be deposited into a special fund.

4 (c) Money in the special fund may be used by the metropolitan  
5 development commission for any purpose for which property taxes  
6 allocated to a redevelopment district under IC 36-7-15.1-26 may be  
7 expended, including the payment of debt service or lease rentals  
8 and the establishment and maintenance of a debt service reserve.

9 Sec. 10. (a) Subject to subsection (c), the fiscal body of a county  
10 containing a consolidated city may after January 1 but before April  
11 1 of a year adopt an ordinance to rescind the designation of a  
12 special retail district.

13 (b) If the fiscal body adopts an ordinance under subsection (a):

14 (1) the special retail district is abolished July 1 following the  
15 adoption of the ordinance; and

16 (2) the incremental gross retail tax is rescinded effective July  
17 1 following the adoption of the ordinance.

18 (c) The fiscal body may not adopt an ordinance rescinding the  
19 designation of a district if there are bonds outstanding or leases or  
20 other obligations payable from the incremental gross retail tax  
21 under this chapter.

22 (d) If the fiscal body adopts an ordinance under subsection (a),  
23 it shall immediately send a certified copy of the ordinance to the  
24 commissioner of the department of state revenue."

25 Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed March 25, 2005.)

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Representative BEHNING